

AMENDED IN SENATE JANUARY 4, 2012

AMENDED IN SENATE APRIL 14, 2011

SENATE BILL

No. 764

Introduced by Senator Steinberg

February 18, 2011

An act to add and repeal Article 5 (commencing with Section 4669.80) of Chapter 5 of Division 4.5 of Section 4686.21 to the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 764, as amended, Steinberg. Developmental services: ~~Autism TeleHealth Program~~. *telehealth systems program*.

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is authorized to contract with regional centers to provide support and services to individuals with developmental disabilities.

This bill would require the department to establish the ~~Autism TeleHealth Program (ATHP)~~ to promote the use of telehealth systems (THS), as defined, to provide services for individuals with autism spectrum disorders (ASD). The bill would require the department to implement this program by requesting proposals from, and executing memorandums of understanding with, one or more regional centers that promote the use of or utilize THS to provide services for individuals with ASD. This bill would repeal these provisions on January 1, 2017. *telehealth systems program to authorize a provider who is currently vendorized with a regional center to provide applied behavioral analysis (ABA) services, intensive behavioral intervention (IBI) services, or both, to provide these services through the use of telehealth systems (THS), as defined, upon approval of a regional center.*

It would also authorize a regional center to purchase ABA or IBI services through the use of THS if the provider can demonstrate a potential benefit for the consumer or regional center, or both, through the use of THS and can establish that the services being provided comply with specified requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4686.21 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 4686.21. (a) The State Department of Developmental Services
- 4 shall establish the telehealth systems program. The program shall
- 5 accomplish all of the following:
- 6 (1) Authorize a provider who is currently vendorized with a
- 7 regional center to provide applied behavioral analysis (ABA)
- 8 services, intensive behavioral intervention (IBI) services, or both,
- 9 to provide these services through the use of telehealth systems
- 10 (THS) upon approval of a regional center.
- 11 (2) Authorize a regional center to purchase ABA or IBI services
- 12 through the use of THS if the provider can demonstrate a potential
- 13 benefit for the consumer or regional center, or both, through the
- 14 use of THS and can establish that the services being provided are
- 15 in compliance with at least all of the following:
- 16 (A) ABA and IBI program requirements in existence on the
- 17 effective date of this section.
- 18 (B) All requirements related to consumer privacy and
- 19 confidentiality.
- 20 (C) The requirements of this division.
- 21 (D) State and federal requirements with regards to the purchase
- 22 of regional center services.
- 23 (E) All federal funding participation guidelines and
- 24 requirements.
- 25 (3) Require regional centers to consider the use of THS in the
- 26 implementation of parent training for autism ABA or behavior
- 27 intervention services as specified in clause (i) of subparagraph
- 28 (B) of paragraph (3) of subdivision (c) of Section 4685, or both.

1 (b) The department shall implement vendorization codes or
2 subcodes, or both, for all THS services and programs that apply
3 pursuant to this section.

4 (c) The provider shall be responsible for all expenses and costs
5 related to the equipment, transmission, storage, infrastructure,
6 and other expenses related to the THS.

7 (d) For purposes of this section, “telehealth systems” means a
8 mode of delivering services and information that utilizes
9 technologies to enable evaluation, consultation, and treatment of
10 individuals, and the provision of supports, self-management, and
11 other appropriate services, including synchronous and
12 asynchronous interactions, to individuals who are within the
13 purview and responsibility of the regional center regardless of the
14 location of the providers or individuals.

15 (e) For purposes of this section, “applied behavioral analysis”
16 and “intensive behavioral intervention” have the same meanings
17 as provided in Section 4686.2.

18 ~~SECTION 1. Article 5 (commencing with Section 4669.80) is~~
19 ~~added to Chapter 5 of Division 4.5 of the Welfare and Institutions~~
20 ~~Code, to read:~~

21
22 ~~Article 5. Autism TeleHealth Program~~
23

24 ~~4669.80. For the purposes of this article, the following~~
25 ~~definitions shall apply:~~

26 (a) ~~“Asynchronous store and forward THS” means the~~
27 ~~transmission of an individual’s information from an originating~~
28 ~~site to the provider at a distant site without the individual being~~
29 ~~present.~~

30 (b) ~~“Distant site” means the site at which the provider delivering~~
31 ~~the service is located at the time the service is provided via the~~
32 ~~telehealth system.~~

33 (c) ~~“Originating site” means the location of the individual at~~
34 ~~the time the service is furnished via the telehealth system and~~
35 ~~where the information transfer occurs.~~

36 (d) ~~“Provider” means any person who is vendorized to provide~~
37 ~~services by a regional center.~~

38 (e) ~~“Real-time THS” means the transmission of an individual’s~~
39 ~~information from an originating site to the provider at the distant~~
40 ~~site with the individual being present.~~

1 (f) “Telehealth systems” or “THS” means a mode of delivering
2 services and information that utilizes technologies to enable
3 evaluation, consultation, and treatment of individuals, and the
4 provision of supports, self-management, and other appropriate
5 services, including synchronous and asynchronous interactions,
6 to individuals who are within the purview and responsibility of
7 the regional center regardless of the location of the providers or
8 individuals.

9 4669.81. (a) The department shall establish the Autism
10 TeleHealth Program (ATHP), which shall be a model program to
11 promote the use of telehealth systems to provide services for
12 individuals with autism spectrum disorders (ASD). It is the intent
13 of the Legislature that the program promote the use of THS to
14 optimize programs and services for individuals with ASD and their
15 families, provide those services in the most cost-effective manner,
16 and promote public-private partnerships that will leverage existing
17 resources.

18 (b) The department shall implement the ATHP program by
19 requesting proposals from, and executing memorandums of
20 understanding (MOUs) with, one or more regional centers that
21 promote the use of or utilize THS to provide services for
22 individuals with ASD in any of the following areas:

- 23 (1) Screening or diagnosis.
- 24 (2) Evaluation or assessment.
- 25 (3) Consumer or family training.
- 26 (4) Intervention or treatment.
- 27 (5) Professional development.
- 28 (6) Access to services by underserved populations.
- 29 (7) Additional services or supports as deemed appropriate by
30 the department.

31 (c) The department may, if deemed necessary and in furtherance
32 of the ATHP program, enter into contracts or MOUs directly with
33 other entities, including, but not limited to, all of the following:

- 34 (1) Rural health clinics.
- 35 (2) Federally qualified health centers.
- 36 (3) Community hospitals.
- 37 (4) Nonprofit organizations.
- 38 (5) Public or private foundations.
- 39 (6) For-profit corporations.
- 40 (7) Research and academic organizations.

1 ~~(8) Institutes of higher education.~~

2 ~~(d) (1) Proposals submitted and MOUs entered into pursuant~~
3 ~~to this article shall, at a minimum, be all of the following:~~

4 ~~(A) Compliant with all other requirements of this chapter.~~

5 ~~(B) Compliant with all requirements of consumers' individual~~
6 ~~program plans or individual family service plans.~~

7 ~~(C) Consistent with all guidelines, regulations, and other~~
8 ~~requirements established by the department.~~

9 ~~(2) Proposals submitted and MOUs entered into pursuant to this~~
10 ~~article shall not incur additional expenditures from the General~~
11 ~~Fund by the department.~~

12 ~~(e) MOUs entered into pursuant to this article shall include, at~~
13 ~~a minimum, all of the following components:~~

14 ~~(1) Appropriate service codes, established by the department if~~
15 ~~deemed appropriate, for the reimbursement of THS services~~
16 ~~provided by the regional centers pursuant to this article.~~

17 ~~(2) Approval for the use of either real-time THS or asynchronous~~
18 ~~store and forward THS.~~

19 ~~(3) Reimbursement for services provided regardless of whether~~
20 ~~the services are provided in person or by THS and whether~~
21 ~~real-time THS or asynchronous store and forward THS is utilized.~~

22 ~~(4) Documentation of a barrier to an in-person visit shall not be~~
23 ~~required.~~

24 ~~(5) Participation is voluntary by all individuals and irrespective~~
25 ~~of the setting of the individual or provider as identified in the~~
26 ~~MOU.~~

27 ~~(f) All regional centers participating in an MOU pursuant to~~
28 ~~this article shall provide an annual report on the progress of the~~
29 ~~program to the department, if deemed necessary by the director.~~

30 ~~(g) In implementing this article, the department may consult~~
31 ~~with third parties as it deems appropriate but the director shall~~
32 ~~have sole and final authority as to any MOUs that are entered into~~
33 ~~pursuant to this section.~~

34 ~~4669.82. (a) The department shall establish an ATHP advisory~~
35 ~~board. Members of the advisory board shall be appointed by the~~
36 ~~director and shall include, but not be limited to, all of the following:~~

37 ~~(1) Two consumers of developmental services.~~

38 ~~(2) Two family members of consumers of developmental~~
39 ~~services.~~

40 ~~(3) Two regional center directors or their representatives.~~

~~(4) Two providers who provide services for individuals with ASD.~~

~~(5) The director or his or her designee.~~

~~(6) Two representatives who have professional experience and expertise in working with a company or organization that is providing THS services.~~

~~(7) Two representatives of an academic institution or institute of higher education who have expertise in the area of ASD.~~

~~(b) The duties of the board shall include, but not be limited to, all of the following:~~

~~(1) To provide assistance and expertise in the area of THS.~~

~~(2) To provide assistance and expertise in the use of THS in providing services for individuals with ASD across the lifespan.~~

~~(3) To provide assistance and expertise in the areas of professional development, consumer supports, and parental education.~~

~~(c) Members of the advisory board shall not be compensated, except for travel expenses as deemed appropriate by the director.~~

~~4669.83. (a) The department shall implement the ATHP program using existing state General Fund resources but may seek additional funding from federal or other public and private sources.~~

~~(b) Funding to implement MOUs entered into pursuant to this article may be provided directly to the regional centers. If regional centers receive funding in accordance with this subdivision, the regional center shall disclose the receipt of funds to the department.~~

~~4669.84. (a) This article shall not be construed to alter the scope of practice, duties, or responsibilities of any provider.~~

~~(b) All applicable laws and regulations regarding the confidentiality and rights of individuals to their data and information shall apply to all THS transactions.~~

~~4669.85. This article shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.~~